

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND ROBERT E. BATTMER, M.D.**

Come now Robert E. Battmer, M.D., (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Missouri Board") and enter into this agreement for the purpose of resolving the question of whether Dr. Battmer's license as a physician and surgeon will be subject to discipline. Licensee and the Missouri Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various due process rights and privileges afforded by law.

2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Missouri Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Missouri Board may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Missouri Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Missouri Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Missouri Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

7. The Licensee was licensed by the Missouri Board as a physician and surgeon, License Number 31522 (hereinafter the "Missouri license"). This license was first issued on June 24, 1967 and expired on January 31, 2008.

8. The Licensee is licensed (hereinafter the "Kansas license") by the Kansas Board of Healing Arts (hereinafter the "Kansas Board") to practice medicine and surgery in Kansas.

9. On or about December 19, 2006, the Licensee entered into a Consent Order with the Kansas Board that suspended his Kansas license for five (5) days and placed practice requirements on his license that include attendance of a Kansas Board approved course on medical record keeping and the requirement for the Licensee to obtain a practice monitor. All Kansas practice requirements are now expired.

10. The suspension and practice requirements placed on the Licensee's Kansas license constitute causes of action for the Missouri Board to discipline the Licensee's Missouri License pursuant to §334.100.2(8), RSMo.

II. JOINT CONCLUSIONS OF LAW

11. Cause exists to discipline Licensee's license pursuant to Section(s) 334.100.2(8), RSMo, which states:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

....

12. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of § 334.100.2, RSMo.

13. Cause exists for the Board to take disciplinary action against the Licensee's license under § 334.100.2, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

14. License number 31522, issued by the Board to the Licensee, is hereby RETIRED IN LIEU OF DISCIPLINE. The Licensee understands that this agreement is a public document and will be reported to the National Practitioner's Data Bank, the Health Integrity and Protection Data Bank, and the Federation of State Medical Boards as an action in lieu of discipline.

15. Within ten (10) days of the effective date of this agreement, the licensee shall return all indicia of Missouri medical licensure to the board, including but not limited to, his wall-hanging license and pocket card. These documents shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

16. In the event The State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its

discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to §620.153, RSMo.

17. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by the Licensee not specifically mentioned in this document.

18. No additional order shall be entered by this Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The Licensee agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this agreement has occurred.

19. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining

portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

20. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

Robert E. Battmer M.D. 3/7/08
Robert E. Battmer, M.D. Date

Bruce Keplinger 3/7/08
Bruce Keplinger Date
Missouri Bar No. 30481
Attorney for Licensee

BOARD

Tina Steinman 3/10/08
Tina Steinman Date
Executive Director

Sreenu Dandamudi 3/10/08
Sreenu Dandamudi Date
General Counsel, MO Bar No. 50734

EFFECTIVE THIS 10 DAY OF March, 2008.